

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT AND
ARM 12.11.501 and 12.11.2205 and) ADOPTION
the adoption of NEW RULE I)
pertaining to Flathead Lake)

TO: All Concerned Persons

1. On January 20, 2017, the Fish and Wildlife Commission (commission) published MAR Notice No. 12-468 pertaining to the public hearing on the proposed amendment and adoption of the above-stated rules at page 118 of the 2017 Montana Administrative Register, Issue Number 2.

2. The commission has amended the following rules as proposed: ARM 12.11.501 and ARM 12.11.2205.

3. The commission has adopted the following rule as proposed: New Rule I (12.11.3110).

4. The commission has thoroughly considered the comments and testimony received. A summary of the comments received and the commission's responses are as follows:

COMMENT #1: The commission received two comments in support of the proposed no wake zone on Cromwell Channel. One of the comments included 13 letters of support.

RESPONSE #1: The commission appreciates your participation in this rulemaking process.

COMMENT #2: The commission received eight comments in opposition to the proposed no wake zone on Cromwell Channel. Concerns included unnecessary restrictions on water users, that it would divert boating traffic to the north and south ends of the no wake zone causing congestion in those areas, that it would set a precedent for similar rule requests, and that the shoreline erosion, property damage and wildlife crossing concerns lacked supporting evidence.

RESPONSE #2: The no wake zone lies within the exterior boundaries of the Flathead Indian Reservation. The Confederated Salish and Kootenai Tribe (CSKT) supported the proposed no wake zone. The commission respects and agrees with the CSKT's professional staff's opinion on this rule. The commission believes this short, no wake zone will not significantly restrict water users nor drastically increase congestion as motorboats will still be allowed to travel the short distance through the channel but at a less than wake speed. The entirety of Flathead Lake has a 200 foot no wake zone from shoreline so the commission does not think this will set a

precedent for unnecessary no wake requests on Flathead Lake. The no wake zone spans the narrowest section of the channel, which will reduce the possibility of boating accidents, user and wildlife conflicts, erosion, and property damage that could occur through this narrow section.

/s/ William Schenk
William Schenk
Rule Reviewer

/s/ Dan Vermillion
Dan Vermillion
Chair
Fish and Wildlife Commission

Certified to the Secretary of State May 15, 2017.